

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF SOLID AND HAZARDOUS WASTE
RCRA PROGRAM - PERFORMANCE PARTNERSHIP
FY 2005 GOALS

ENVIRONMENT

DSHW STRATEGIC GOAL:

Protect human health and safeguard the environment by assuring the safe management and proper handling, transportation, treatment, storage and disposal of solid and hazardous wastes, including used oil. Assist the department in promoting waste minimization and pollution prevention as the preferred waste management strategy.

Measures:

- a. Provide pollution prevention (P2) and waste minimization assistance. Jointly evaluate the currently available hazardous waste generation data, including the state hazardous waste minimization profile compiled by EPA Region 8, to identify opportunities to improve utilization of this information and achieve greater results in waste minimization activities. ^{P2}
- b. Provide timely and effective enforcement/permitting response based upon a balance of priorities and available resources.
- c. Provide for innovative solutions to solid and hazardous waste stabilization and cleanup activities (non-Superfund sites) in order to focus on results and the potential for redevelopment of remediated sites. Foster voluntary cleanup actions where appropriate. Promote an open dialogue among cleanup action stakeholders, including public/community interests.

DSHW ANNUAL GOALS:

1. WASTE MINIMIZATION ^{P2}

Promote and support efforts and activities related to waste minimization and pollution prevention of hazardous waste generation.

Measures:

- a. Continue Division pollution prevention policy implementation. Provide pollution prevention (P2) information and technical assistance, via fact sheets, newsletters, and electronic media, to businesses that generate hazardous waste, the general public, and staff. Help maintain and supply the division and department P2 library and Web site, as necessary, with informational resources regarding P2, waste minimization, source reduction, and recycling.
- b. Identify and evaluate supplemental environmental projects that are a part of a compliance action to determine the contribution to waste minimization and pollution prevention. These evaluations will consist of staff and/or facility contact to note areas of progress and areas of concern. Supplemental environmental projects contributing to waste minimization/pollution prevention will be reported to EPA.
- c. Improve utilization, as appropriate, of the state hazardous waste profile prepared by EPA Region 8 to increase waste minimization and P2 efforts and successes and to meet other specific state waste/toxics reduction needs. Identify opportunities to link waste minimization efforts to reductions in priority chemicals in RCRA waste streams within the state. Encourage generators of priority chemicals to participate in voluntary programs and develop source reduction strategies. Specifically, the profile can be used to focus on selected facilities to encourage and enlist their voluntary participation in the National Partnership for Environmental Priorities (NPEP). This is a regional and national effort to reduce the use or release of 33 priority chemicals identified by EPA Region 8. Maintain working relationship between DSHW and EPA hazardous waste minimization programs to assure that P2 resources are leveraged as appropriate to meet common goals and enhance outreach efforts. EPA and DSHW will look for opportunities to reflect how state actions support national goals.
- d. Track and evaluate the amount of used oil collected for recycling, particularly used oil collected from Do-it-yourselfers (DIYers).
- e. Promote, as resources are available, EPA's Resource Conservation Challenge (RCC) among industry and public entities to heighten the need to move toward adopting a resource conservation philosophy in terms of waste reduction and materials management.

2. PERMITS, CLOSURE, POST-CLOSURE ^{CPM HI}

Maintain effective solid and hazardous waste permitting and closure/post closure programs. DSHW and, as necessary, EPA will work together to achieve this goal; where DSHW and

EPA priorities differ, appropriate discussions between both agencies will be conducted to reconcile such differences. EPA will provide technical assistance, training, and other support where appropriate.

In recognition of past permitting accomplishments and the ongoing workload in this program area, the following measures apply to FY 2005 performance activities.

Measures:

- a. Maintain accurate information of the universe and status of hazardous waste facilities subject to closure requirements, post-closure permits, and operating permits. Provide the preceding information through automated data systems (RCRAInfo) for all required data elements by the 15th of the month following the activity.
- b. Provide appropriate closure/post-closure and permit response as dictated by case-by-case specifics, regulatory/statutory requirements (including alternate mechanisms as allowed under the post-closure rule, as adopted by DSHW), permit conditions, and program priorities. Appropriate responses may include, but are not limited to, closure plan approvals (RCRAInfo data element CL360), closure verifications (CL380), final post-closure permit determinations/issuances (PC200), and final operating permit determinations (OP200). Permit modifications (PC240) are also important because they generally reflect upgrading or updating permit conditions resulting in operational improvements for permitted TSDFs in managing hazardous waste. Targeted FY 2005 program activities at specific facilities are identified in the appropriate section of RCRAInfo utilizing the scheduled date for related events.

Many of the remaining hazardous waste management units requiring an operating permit are subject to the Subpart X requirements and standards for open burning/open detonation of explosive wastes. In the absence of national Subpart X guidance, DSHW moved forward and previously completed a Subpart X guidance document as a valuable resource and critical means to avoid continued delays in permitting these units. For FY 2005, DSHW will utilize the guidance document in order to continue to make progress toward completing the permitting process for these particular units.

- c. Conduct periodic analysis of effectiveness of closure/post-closure and permitting activities utilizing program tracking information (such as RCRAInfo, and DSHW databases) and conducting briefings with staff for ongoing coordination. Federal and state data systems and staff briefings will help to identify areas of progress and areas of concern. The tracking table will be shared with EPA. Updates to future strategies for accomplishing such activities will be made, as necessary, as part of the FY 2006 planning process.
- d. EPA will provide assistance, as requested by DSHW, regarding the application of MACT standards for hazardous waste combustion facilities.

3. CORRECTIVE ACTION ^{CPM H3 6 7}

Maintain an effective corrective action program, including stabilization of environmental releases and clean up of contaminated hazardous waste sites. DSHW and EPA will work together to achieve this goal; where DSHW and EPA priorities differ, appropriate discussions

between both agencies will be conducted to reconcile such differences. EPA will provide technical assistance, training, and other support where appropriate. In addition, DSHW will provide resource support to work with EPA in the development of a Brownfields strategy for the region.

Measures:

- a. Maintain and update, as necessary, facility specific corrective action information for hazardous waste facilities subject to corrective action, including site assessment, stabilization (accounting for health and environmental risk control measures), and regular corrective action process activities through staff interaction, correspondence and/or automated data systems (RCRAInfo and DSHW databases) with a focus on key milestones as identified in the following paragraphs. For RCRAInfo, all required data elements will be entered by the 15th of the month following the activity in order to maintain the usefulness and quality of the reported data.

- b. Provide appropriate corrective action response as dictated by case-by-case specifics, regulatory/statutory requirements, permit conditions, or program priorities. Emphasis is on high priority facilities in order to address and control human exposures and the migration of contaminated ground water. Appropriate measures may include initial assessment of all TSDs in the corrective action universe (including assessment completed (CA050), determination of the need for an RFI (CA070), and CA universe ranking (CA075)), RFI imposed (CA100), RFI approved (CA200), remedy selection (CA400), CMI workplan approval (CA 500), CMI construction completed (CA550), and corrective action process completed (CA999/RE). Targeted FY 2005 program activities at specific facilities are identified in the appropriate section of RCRAInfo utilizing the scheduled date for related events.
- c. Provide appropriate stabilization response as dictated by case-by-case specifics, regulatory/statutory requirements, permit conditions, or program priorities. Emphasis is on high priority facilities. Appropriate measures may include stabilization measures evaluation (CA225), stabilization imposed (CA600), stabilization construction completed (CA650), and stabilization process complete (CA999/ST). Targeted FY 2005 program activities at specific facilities are identified in the appropriate section of RCRAInfo utilizing the scheduled date for related events.
- d. Conduct periodic analysis of the effectiveness of corrective action activities and update, as necessary, future strategies for accomplishing such activities as part of the FY 2006 planning process. This analysis may include the following environmental indicators: the number and percentage of handlers subject to corrective action with (1) human exposures under control (CA725), and with (2) migration of contaminated groundwater under control (CA750). DSHW will prepare, complete, and submit to EPA Region 8 appropriate documentation of accomplishments of the above indicators.
- e. In coordination with EPA Region 8, DSHW will continue to evaluate annually and amend, as necessary, the facility-by-facility multi-year plan (up to FY 2005) of how and when the environmental indicators of paragraph d. will be achieved. Updated projections will be submitted by October 1, 2004. Updates to future strategies for accomplishing such activities will be made, as necessary, as part of the FY 2006 planning process.

4. COMPLIANCE AND ENFORCEMENT

Evaluate compliance status of solid waste, hazardous waste, and used oil handlers and

facilities and foster an ongoing commitment to compliance and environmental protection through on-site inspections and other compliance assistance activities.

Measures:

- a. Update inspection universe and develop inspection schedule for FY 2005, by September 30, 2004. The selected universe and schedule will incorporate, as appropriate, state, regional, and national priorities. Any RCRA Section 6002 federal procurement compliance evaluations by EPA may be conducted as part of regularly scheduled inspections of federal facilities in which EPA participates with DSHW and will be coordinated in advance with DSHW.
- b. Complete targeted inspections by September 30, 2005.
- c. Continue implementation of the small quantity generator compliance assistance program in FY 2005. Participate in joint state and federal industry sectors initiatives (i.e., Prisons and Power Plants).
- d. Provide facility specific compliance and enforcement information through the proper and timely entering of EPA and DSHW program data, including available data supporting the ECOS accountability measures (AM), into automated data systems (primarily through RCRAInfo) and ensure the quality of all reported data.
- e. Conduct periodic analysis of effectiveness of evaluation activities. This will consist of staff and/or facility contact and data systems reports to note areas of progress and areas of concern. Apply, as appropriate, national or state compliance/enforcement performance measures methodologies and/or compliance rate determinations as a means to enhance the reporting of key program accomplishments.
- f. A regional implementation policy of the CERCLA Offsite Rule (OSR) has been established and will serve as the basis for the Region's implementation of the OSR; implementation for any sites in Utah will be coordinated with DSHW.
- g. DSHW will review the existing LQG universe to determine if any of those facilities have not been inspected in the past five or more years. If any LQGs are identified, EPA will negotiate with DSHW to inspect up to six of the identified LQGs. DSHW will have the opportunity to inspect those facilities prior to EPA conducting federal lead inspections at the selected sites. Proper advance notification by EPA to DSHW will occur for any federal lead inspections.

5. TRAINING / TECHNICAL ASSISTANCE

Continuously improve DSHW technical expertise in the RCRA program.

Measures:

- a. Provide specific technical training to new staff and provide refresher training, as needed, for staff in FY 2005.
- b. Work with EPA to plan and provide training offered by EPA covering key areas such as corrective action, permitting, risk assessment, pollution prevention, and other related program functions.^{P2}
- c. With EPA, jointly identify areas where technical assistance needs could be provided by EPA regional staff, EPA research labs, and contractors. DSHW and EPA staff will provide technical direction to the contractors.

6. INFORMATION MANAGEMENT^{CPM H1, 3, 6, 7}

Report key program accomplishments as noted in the above annual goal sections via automated data systems (RCRAInfo) or direct correspondence, to accurately reflect the status of the RCRA handler universe. The DSHW will continue to maintain timely, accurate and complete data, including compliance and enforcement data, and federally required data fields in RCRAInfo. EPA will work with the state to clarify or resolve universe issues and provide training and technical assistance when requested. Program areas will include permitting, compliance/enforcement, closure/post-closure, corrective action, and waste minimization. DSHW and EPA will utilize RCRAInfo and other state data systems for assessing accomplishments in these program areas. Data will be entered into RCRAInfo for all required data elements by the 15th of the month following the activity in an effort to maintain the timeliness, accuracy, and completeness of the program data.

Significant violators, significant noncompliers, and high priority violators will be identified and reported to EPA, utilizing appropriate RCRAInfo codes, as agreed upon by DSHW and EPA, and in a manner consistent with national policy and guidance.

7. ENVIRONMENTAL JUSTICE^{EJ}

The State recognizes that incorporation of environmental justice into the RCRA regulatory program is a priority for EPA Region 8. Upon request, EPA will provide the State access to Geographic Information System (GIS) environmental justice tools; provide information to the State on environmental justice grants; and share information about any available environmental justice resources. The State commits to utilize EPA staff and GIS resources, as appropriate, in the implementation of the State hazardous waste program.

Measures:

- a. EPA and DSHW will work jointly to develop measures for evaluation.
- b. Incorporate, as appropriate, environmental justice concerns in administration of the program.

DSHW STRATEGIC GOAL:

Balance economic factors with compliance and permitting actions.

Measure:

Evaluate stakeholders' economic viability when determining compliance and permitting actions.

DSHW ANNUAL GOAL:

Consider economic factors in determining penalties for violations.

Measures:

- a. Use EPA economic computer models to assist in evaluation.
- b. Use maximum flexibility when negotiating consent agreements to include consideration of financial viability of regulated party.

DSHW STRATEGIC GOAL:

Provide leadership in Utah, the western region, and nationally to influence national policies on waste management activities.

Measures:

- a. Division staff attend and actively participate in regional and national organizations committees and task forces such as with WGA, ASTSWMO, and EPA to provide maximum input in development of policies.
- b. Staff will submit comments which reflect Utah policies on proposed federal solid and hazardous waste programs.

DSHW ANNUAL GOAL:

Ensure staff availability to attend regional and national policy meetings and to participate on appropriate committees.

Measures:

- a. Determine success of legislative, budget, and policy initiatives identified as priorities.
- b. Appropriate input is given directly by state and through organizations to decision makers on priority issues.

CUSTOMER SERVICE

DSHW STRATEGIC GOAL:

The Division will operate and function as an internal and external customer-oriented agency by focusing on customer service, building trust, and problem-solving through cooperative efforts in all Division activities and partnerships.

Measures:

- a. Customer feedback is solicited and evaluated.
- b. Decisions and services provided within mutually agreed-upon time frames which best meet customers' needs and provides appropriate environmental protection.

DSHW ANNUAL GOALS:

Permitting and compliance processes will involve continuous customer input to provide workable and fair permits and compliance actions.

Measures:

- a. Permitting process will include regular contacts with applicant, local governments, other agencies, counties, and the impacted general public.
- b. The public will be involved as required by statute, regulation, or state public participation policies so that access to public records during public comment periods will allow appropriate time for public participation.
- c. Compliance and enforcement process will include regular meetings with affected

parties prior to final determinations.

- d. Surveys will be provided to external customers involved in the permitting and/or inspection process(es) seeking specific feedback on process successes as well as process improvements. Surveys are voluntarily completed and returned to the Division for review, compilation, and follow up.
- e. Internal processes will be assessed to identify areas for improvement.
- f. Public information items, fact sheets regarding major permitting activities, and other important DSHW program activities will be available to the public via the Internet in order to enhance stakeholder support and awareness.

PARTNERSHIP WITH FEDERAL, STATE, LOCAL AND TRIBAL GOVERNMENTS

DSHW STRATEGIC GOAL:

Improve the effectiveness and efficiency of statewide delivery of environmental services by strengthening relationships with all levels of government.

- * Work with federal, state, local (including local health departments), and Tribal governments and provide information to plan for and manage the environmental impacts of growth.
- * The Environmental Services Delivery Plan (ESDP) delineates roles and responsibilities, joint goals and objectives, and establishes accountability between DSHW and local health departments and local governments.
- * Focus on teamwork and partnership in identifying and resolving problems.
- * Feedback on success of partnerships is received and evaluated.

Measures:

- a. Key problems identified by government partners are addressed and solutions developed and implemented.
- b. Effectiveness of the Environmental Service Delivery Plan in developing a state/local partnership, coordinating delivery of services, and obtaining adequate resources.
- c. Effectiveness of the Performance Partnership Agreement in developing a state/federal partnership, coordinating delivery of services, and obtaining adequate

resources.

DSHW ANNUAL GOAL:

The DSHW and EPA will strive to enhance the State/EPA partnership and to ensure the management of a quality hazardous waste program.

Measures:

- a. Program Guidance/Agreements: DSHW and EPA will jointly develop and maintain the MOA, the enforcement agreement, quality assurance plan for environmental data collection, and other operating guidance. DSHW and EPA may review and revise, if necessary, the MOA.
- b. Strategic Planning: the DSHW and EPA will jointly plan and prioritize program goals, objectives and activities which address joint priorities. DSHW and EPA will work together on PPA development, beginning of year projections, inspection strategies, planning meetings, program reviews, and national assessments of major program elements.
 - i. DSHW will include in its ongoing program implementation activities, unpermitted waste handling and management operations that may present significant environmental concerns. DSHW will evaluate, where appropriate, the use of Supplemental Environmental Projects (SEPs) that reduce emissions or discharges associated with persistent bioaccumulative and toxic wastes and other priority chemicals being released. DSHW will also consider issuance of orders to address upsets and episodic releases or emissions in accordance with current state laws.
 - ii. Region 8 will draft a preliminary report summarizing previous years= sector efforts and identifying next steps for the selected industry sectors.
- c. Coordination of Joint Activities: DSHW and EPA will maintain a high level of coordination and cooperation between state and EPA staff to assure successful and effective administration of the program. Coordination includes evaluation of desirable technical support and targets for joint efforts/work sharing.
- d. Program Communication: maintain frequent/open communication on routine matters, changes in program capability, legislation, and resource levels, emergency

situations, and other key activities as described in the MOA. EPA and DSHW will hold regular meetings or conduct conference calls, at least quarterly, to share information, identify and solve problems, and engage in short-term planning efforts.

- e. Training and Technical Assistance: the DSHW and EPA will jointly identify state training and technical assistance needs. EPA will make training and technical assistance available to the state and will work towards improving the capability to provide high quality assistance.

STATE-BASED REGULATION OF ENVIRONMENTAL PROGRAMS

DSHW STRATEGIC GOAL:

Develop statutory and regulatory authorities to qualify for continued program authorization.

Measure:

Updated program authorization is granted by the federal government.

DSHW ANNUAL GOALS:

1. Adopt new hazardous waste, solid waste, and used oil rules promulgated by EPA to maintain regulatory equivalency and program authorization.

Measures:

- a. Identify new federal hazardous waste rules promulgated during cluster period ending June 30, 2004 and which require adoption by the Solid and Hazardous Waste Control Board.
 - b. Rulemaking process for Addenda 13 & 14 (EPA Revision Checklists 200, 202, 203, & 204) will be completed by August 2005.
2. Submit updated authorization applications to EPA to maintain hazardous waste program authorization.

Measures:

- a. Final authorization application for Addenda 13 & 14 will be submitted to EPA for review and comment by September 1, 2005.
- b. Jointly review the current MOA and program description. Any necessary changes

will be jointly agreed to and submitted in a revised document by December 31, 2005.

3. Provide information to EPA regarding completed and potential rulemaking for STATS reporting.

Measures:

- a. Provide status of the adoption of federal hazardous waste regulations to EPA for the quarterly updates to the STATS report.
- b. Provide potential rulemaking (checklist and schedule) to incorporate federal hazardous waste regulations into the state hazardous waste rules upon request by EPA.

COORDINATION WITH LOCAL HEALTH DEPARTMENTS AND LOCAL GOVERNMENTS

DSHW STRATEGIC GOAL:

Improve the efficiency of statewide delivery of waste management services by strengthening relationships with local health departments and EPA.

Measures:

- a. Key waste management problems identified and implemented by partnership of local health departments, local government, DSHW, and EPA.
- b. Adequate resources combined to fully implement Environmental Service Delivery Plan.

DSHW ANNUAL GOALS:

1. Strong positive relationship established among DSHW, local health departments, and EPA.

Measures:

- a. Each local health department notified of any Division activities occurring in their areas of jurisdiction.
- b. Division Director and/or other appropriate staff meet with each local health department at least annually.

- c. Coordinate partnership efforts among the Division, local health departments, and EPA.
2. Local governments will be informed concerning solid waste, used oil programs, etc., in order to be able to comply with appropriate regulations and plan for future needs.

Measures:

- a. DSHW will participate, when invited, with local government organizations, at regular seminars and training meetings, as well as respond to individual requests for information.
- b. Input will be directly solicited from local governments regarding proposed rules which could impact their areas of jurisdiction.

EMPLOYEES

DSHW STRATEGIC GOAL:

Maintain a climate in which employees can function to their fullest potential, be recognized for their quality work, and accomplish the goals of DSHW.

Measures:

- a. Employees' assessment of job satisfaction will be solicited.
- b. Individual performance standards will reflect strategic and annual goals.

DSHW ANNUAL GOALS:

1. Employees are committed to the success of DSHW and recognize their professional responsibility and accountability in meeting the needs of the organization.

Measures:

- a. Employees' statements and actions reflect strategic and annual goals and DEQ/DSHW policies and procedures, including the DEQ operating principles.
 - b. Annual performance reviews are based on performance standards.
2. Provide appropriate training to employees to increase and foster professional development.

Measures:

- a. Name and number of employees attending training will be maintained.
 - b. Skills and abilities of staff will increase as demonstrated by work individual products.
3. Problems will be solved through cooperative effort of division staff.

Measures:

- a. Appropriate Quality Action Teams and other problem-solving teams will be used.
- b. Input from staff will be solicited on issues affecting entire Division.

ENHANCE POLICY MAKERS' (LEGISLATURE, OTHER ELECTED OFFICIALS, AND BOARDS) UNDERSTANDING OF ENVIRONMENTAL ISSUES

Facilitate policy makers as pro-active participants in shaping environmental policy.

Measures:

- a. Legislators, other elected officials, and Board members are apprized of important environmental policy issues.
- b. Relationships with policy makers are developed and understanding of environmental issues enhanced.
- c. Policy makers work with DSHW in development and implementation of relevant waste management programs environmental policy issues.
- d. Policy makers' trust in DSHW is developed and enhanced.

FY 2005 Hazardous Waste Program Projections and Achievements for Utah				
Event	# of Facilities or Units	Achieved by FY2004	FY 2005	
			Projected	Achieved
Closure Activities				
Closure Plan Approval (CA360) for LDUs	55	41		
Closure Verification (CL380) for LDUs	55	32		
Closure Plan Approval (CA360) for TSUs	109	81	7	
Closure Verification (CL380) for TSUs	109	67	9	
Closure Plan Approval (CA360) for CUs	5	3		
Closure Verification (CL380) for CUs	5	2		
Post-Closure Activities				
Post Closure Facilities under Approved Controls (via PC Permit or other approved control). Manual counts	16	12		
Post Closure Permit (PC200) Issuance for LDUs	55	9	5	
Post Closure Permit (PD200) Renewal for LDUs	n/a	n/a		
Operating Permit Activities				
Operating Facilities Under Approved Controls (via OP200, OP240 or other approved control). Manual counts	19	13		
Operating Permit Issuance (OP200) for LDUs	5	5		
Operating Permit Renewal (OP200) for LDUs	n/a	n/a		
Operating Permit Issuance (OP200) for TSUs	126	110	9	
Operating Permit Renewal (OP200) for TSUs	n/a	n/a	24	
Operating Permit Issuance (OP200) for CUs	10	10		
Operating Permit Renewal (OP200) for CUs	n/a	n/a		
Corrective Action Activities				
RCRA Facility Assessments (CA050)	11	11		
Overall Facility NCAPS Ranking (CA075)	11	11		
Facility Stabilization Assessment (CA225)	11	11		
RFI Imposed (CA100)	n/a	n/a		
RFI Approval (CA200)	n/a	n/a	9	
Remedy Selection (CA400) Entire Facility GPRA	11	1		
Remedy Selection (CA400) Area Level	101	37		
Construction Completion (CA550) Entire Facility GPRA	11	1		

Construction Completion (CA550) Area Level	101	7		
Stabilization Measures Implemented (CA600)	n/a	n/a		
Stabilization Construction Completed (CA650)	n/a	n/a		
Human Health Exposures Controlled Determination (CA725) Entire Facility GPRA	11	7	2	
Groundwater Migration Controlled Determination (CA750) Entire Facility GPRA	11	7	1	
Corrective Action Completed (CA999)	n/a	n/a	4	